

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
July 11, 2007

7:30 P.M.
GENERAL MEETING
Room 206 Town Hall

Chairman Hillman called the meeting to order at 7:30 P.M. Commission Members Present: Peter Hillman, Susan Cameron, Reese Hutchison, Ellen Kirby, Pete Kenyon, Ned Lewis, and Craig Flaherty.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman read the first agenda item:

EPC-26-2007 James and Karen Reilly, 41 Nearwater Lane, proposing demolition of a house within the upland review area and grading and landscaping associated with new house construction

The Commission reviewed the draft approval and made changes. Mr. Hillman made a motion to approve the application. Ms. Cameron seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

EPC-28-2007 John and Mary Keane 22 Hamilton Lane, proposing demolition of a house and construction of new residence within the upland review area.

The Commission reviewed the draft approval and made changes. Mr. Hillman made a motion to approve the application. Ms. Cameron seconded the motion and it passed 6-0. Mr. Kenyon abstained.

Mr. Hillman read the next agenda item:

EPC-29-2007 Woodway Country Club, 540 Hoyt Street, proposing golf course improvements within an upland review area.

Mr. Flaherty and Mr. Hillman were recused for this application.

The Commission reviewed the draft approval and made changes. Mr. Hutchison made a motion to approve the application. Ms. Cameron seconded the motion and it passed 5-0.

Mr. Hillman read the next agenda item:

EPC-32-2007, Ian and Lisa Webb, 33 Knollwood Lane, proposing drainage improvements within a regulated area and upland review area.

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No one was present for the applicant. Ms. Cameron requested a buffer planting plan and requested staff review the previous remediation plantings before the next meeting.

Mr. Hillman read the next agenda item:

EPC-37-2007, Murat Akgun and Katherine Uniacke, 71 Stony Brook Road, proposing a sanitary sewer line within a regulated area.

David LaPierre, architect and Don Ferlow of Stearns & Wheeler represented the applicant. Mr. Ferlow said the original plan in May was to hook up the sanitary sewer to the existing stub in the road. He said the current proposal is to run the new sewer line under the driveway. He said the stormwater runoff will be directed to a series of shallow depressions.

Ms. Cameron asked if the runoff from the significant increase in impervious surface will be handled. Mr. Ferlow said yes, the increase in runoff will be handled.

Mr. Flaherty said that with the significant increase in impervious coverage the Commission should treat the applications the same as other tear downs and hold a public hearing. Mr. Hillman said a hearing may be in the public interest.

Mr. Hutchison said that, without the sewer hook-up and level spreaders, the project would go to zoning with no further EPC review.

Mr. Flaherty said that with the amount of vegetation to be removed and the need to review the stormwater management plan closely he would recommend a public hearing.

Mr. Kenyon questioned the need for the applicant to have removed so many trees prior to receiving any permits. He asked if they would be removing the existing shed. Mr. LaPierre said it is a skating shed and they would like it to remain.

The Commission scheduled the application for public hearing on August 4, 2007.

Mr. LaPierre asked if it would be permissible to demolish the existing house. Mr. Hillman said yes if the activity is outside of the EPC review area.

Ms. Kirby asked if pond cleaning and pipe replacement would be part of the application. Mr. Ferlow said it would improve the sediment removal capacity and improve the aesthetics. Mr. Flaherty said it should be evaluated from a wetland impact point of view.

Mr. Hillman read the next agenda item:

EPC-42-2007, Country Club of Darien, 300 Mansfield Avenue, proposing golf course renovations within regulated areas and upland review areas.

Attorney Jacqueline Olschan, and Tim O'Neil, course superintendent represented the applicant.

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Mr. Hillman said the application would be scheduled for public hearing because it may have a significant impact on wetlands. He said the Commission would be hiring an outside expert to review the application. The Commission scheduled the application for hearing on August 1, 2007. At the request of Attorney Olschan, the hearing will be opened and continued until September 5, 2007.

EPC-40-2007, Donald and Toni Maley, 297 Brookside Road, proposing pond dredging.

Richard Windels represented the applicant. He said the Maleys have a small pond on the Goodwives River. The quantity of the material to be removed is approximately 200 cubic yards. Some of the material will be mixed with suitable material to form topsoil and used on site.

Mr. Flaherty asked if there was a planting plan. Ms. Cameron suggested a ten foot buffer. Mr. Windels said there would be a ten foot buffer on the lawn side.

Mr. Kenyon made a motion to approve the application with the stipulation of a ten foot buffer. Mr. Lewis seconded the motion and it passed unanimously.

EPC-43-2007, Richard and Cornelia Thornburgh, 12 Shennamere Road, proposing pond dredging.

Tom Ryder of Land-Tech represented the applicant. He described the method of dredging, the proposed stockpile area and the planting plan.

Mr. Flaherty asked about the proposed buffer width. Mr. Ryder said the buffer on the west side of the pond would be increased to 10 feet in the direction of the surface flow. He asked to maintain a four foot wide access path. Ms. Cameron asked that the wetland within the lawn area be restored with wetland plants.

Mr. Flaherty made a motion to approve the application with the stipulations of a 10 foot buffer and replanting the lawn as wetland. Mr. Hutchison seconded the motion and it passed unanimously.

EPC-44-2007, Art Bellis, 19 Indian Spring Trail, proposing a house addition within the upland review area.

Brian Carney represented the applicant.

Mr. Hillman asked the applicant to provide a more extensive narrative. He suggested providing photos, a planting plan and a survey. The application was continued to August 1, 2007.

EPC-45-2007, Robert Dickson, Jr., 50 Deepwood Road, proposing a swimming pool within an upland review area.

Jeff McDougal, William Seymour Associates represented the applicant.

Mr. Hillman said the application should be held over for public hearing because it may have a significant impact on the regulated area.

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Mr. Hillman called the first public hearing item.

EPC-39-2007, Wee Burn Country Club, 410 Hollow Tree Ridge Road, proposing water and sewer line extension within an upland review area.

Attorney Edward O'Hanlan represented the applicant. He said they are proposing a connection of the sewer and water line to a warming hut.

Dean Martin, Grumman Engineering, described the construction and provisions for stormwater runoff.

Mr. Hillman asked the purpose of the warming hut. Joe Pagliarulo, Architect, said the purpose is to provide a warm place to wait and facilities for people waiting their turn to shoot.

Mr. Martin said there is a portion of the pipe installation within the upland review area which needs a permit.

Mr. Hillman opened the hearing to public comment.

Jeannie Yurman asked about the use of the hut and if there would be an intensification of the use. Mr. Pagliarulo said there would not be any intensification of the sport.

Ms. Cameron said she would not be inclined to approve any activity for Wee Burn until the violation is addressed.

Mr. Hillman said the Commission would like to work with Wee Burn to get off on the right foot. He said there is a perception that Wee Burn is not a good environmental steward. He said the Commission must take a close look at the violation and scrutinize all of the club's activities on the course. He said he is not inclined to give the club anything at this time.

Lane Russell of 18 Holly Lane said the flooding over the last six months has been worse and he believes it was impacted by Wee Burn.

Jane Wolcott said she agrees 100% with Mr. Hillman. She said there was debris all over her lawn.

Mr. Kenyon said that all three country clubs have been in front of the Commission and Wee Burn suffers in comparison.

The Commission will require an application addressing the violation in August and will schedule a public hearing in September.

Mr. Hillman called the next public hearing item:

EPC-24-2007, Hoyt Street Partners, LLC, 285, 289 & 293 Hoyt Street, proposing condominium construction and related site development within regulated areas and upland review areas.

Attorney Bruce Hill represented the applicant.

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At this time Mr. Hillman determined that, since there would not be sufficient time for the other hearing items, he opened the following public hearings and continued them.

EPC-33-2007, Jeffrey Marston, 49 Goodwives River Road, proposing a house addition and septic system within an upland review area.

Ms. Cameron requested additional information on the bedroom count as it relates to the septic system.

The hearing was continued until July 18, 2007 at 7:00 p.m:

EPC-36-2007, Peter Greenberg, 7 Buttonwood Lane proposing demolition of an existing house and new house construction within an upland review area.

The hearing was continued until July 18, 2007 at 7:00 p.m:

Mr. Hillman read the next agenda item:

Rodger Smith, 19 Butlers Island Road, requesting modification of conservation easement to allow lights and sprinkler head.

Mr. Hillman said that both sides made strong arguments. He said he believes Mr. Campbell's falls short because the intent of the conservation easement is to leave the area natural. He said he would be reluctant to allow permanent lights in the easement. He said he also feels similarly about irrigation structures. He said the language is straightforward and weighs against lights and irrigation.

Mr. Hutchison said he does not think lights are going to eliminate any safety problems. There will still be significant risks along a cliff.

Mr. Flaherty said he agreed with Mr. Hillman and Mr. Hutchison.

Mr. Lewis said he agrees with the other statements. He asked about the plant species in the easement. Ms. Cameron said they were not native but they are adaptable to dry conditions.

Ms. Cameron said a conservation easement is different from a restrictive covenant. She said a covenant between two parties is easier to dissolve. With conservation easement and owner gives up certain rights to an organization. She said she does not think either activity should be allowed in an easement meant to preserve wild lands.

Mr. Kenyon said the letter from the insurance agent is not relevant since it is not from the insurance carrier. He said the arguments for lights are illogical since the owner can use other lights that are carried. He said the easement language does not justify the request.

Ms. Kirby said she would abstain from the decision.

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The Commission requested staff write a determination including language used by the Town Attorney regarding ordinary impact.

The Commission resumed the public hearing on EPC-24-2007 Hoyt Street Partners.

Mr. Flaherty was recused for this application and left the meeting at this time.

Don Ferlow, Stearns and Wheler, presented the drainage plan showing the drainage in the vicinity of the site coming from Wakemore Street. He described the new piping within a separate system on the property. He provided additional drainage details including porous pavement within the car ports and a wetland boardwalk detail.

Karl Frey, Hoyt Street Partners, said the Wakemore Street drainage was installed 50 to 60 years ago. The system has since failed and their intention is to fix the system. While they are not required to do so as part of this application, he said they are proposing two separate drainage systems. One will handle their site and the other they are proposing to fix. He said they are controlling runoff and not adding flow to Wakemore Street. They are proposing to maintain the Wakemore catch basins.

Denise Halstead, P.E., Stearns and Wheler, described the Wakemore Street drainage system and the plan to replace and repair it.

Mr. Hillman asked what new information has been provided since the last meeting regarding the status of the drainage. Ms. Halstead said they have inspected the entire system.

Mr. Hutchison asked why they were not increasing the size of the 36" pipe. Ms. Halstead said they are replacing what is there and they do not control what is off-site.

Mr. Hutchison said there is a natural detention area along the railroad. Mr. Frey said that is not their property.

Mr. Hillman opened the hearing for public comment.

Tad Neafsey of Scofield Farms Road said he was concerned that the new pipe would create a pond in his backyard. Ms. Halstead said they will cut the pipe back and provide a plunge pool.

Ms. Cameron said she thought the applicant has addressed the concern that the water coming out of the pipe will be dissipated. She asked if they were eliminating wetlands. Mr. Ferlow said no and they are proposing to expand a wetland adjacent to the pond.

Ms. Cameron asked if the project will be age restricted. Mr. Frey said no but they are targeting older residents.

Ms. Cameron said the six foot wide paths in the conservation easement may be a problem. She said she would also like the paths to be cut back. Mr. Ferlow said the paths can be changed. Ms. Cameron said too much of the paths are in the wetland.

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Ms. Cameron asked if there was too little soil in the rain gardens to support plantings. Mr. Ferlow said there would be one foot minimum and a foot to one and a half feet overall. He said the choice of plants is important.

Mr. Hillman asked Mr. Canas of Tighe & Bond, the Commission's consultant, to address the revised plans.

Mr. Canas said he has reviewed the revised plans and the applicant has responded to his comments. He said most of his previous comments in his July 10 letter have been addressed. He said he requested additional information regarding the 36" pipe and downstream impacts. He suggested a condition of approval that additional permeability tests will be provided in the rain garden locations.

Oleg Starovoitov of Wakemore Street asked the distance of the house wall to his property line. Mr. Ferlow said it meets the 25 foot setback. Mr. Starovoitov said the drainage system will have a 50 year design, therefore Wakemore should have a 50 year design instead of the 10 year.

Mr. Neavsey said he may ask to continue his fence into the upland review area.

The Commission continued the public hearing until August 1, 2007.

Mr. Hillman called the next agenda hearing item:

EPC-96-2004, Francisca Oller, 15 Blueberry Lane, requesting bond release.

Mr. Hutchison made a motion to release the bond. Mr. Lewis seconded the motion and it passed unanimously.

Mr. Hillman called the next agenda hearing item:

EPC-98-2004, Claire O'Hare, 45 Brookside Drive, requesting bond release.

Mr. Hutchison made a motion to release the bond. Mr. Lewis seconded the motion and it passed unanimously.

There being no further business, the meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer